

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JSB, a minor, by his parents and natural
guardians MARINA DIAZ and
JOSE DIAZ.

Plaintiff,

vs.

CARSON CITY DEPUTY SHERIFF
HARRY W. WHEELER,

Defendant,

Case No.: 3:14-cv-00436-LRH-WGC

**PETITION AND ORDER TO
COMPROMISE CLAIM OF
A MINOR**

COMES NOW, JSB, a minor, by his parents and natural guardians MARINA DIAZ and
JOSE DIAZ, a minor with a date of birth of May 3, 2000 residing with his parents at 1315
Willard Ln. in Carson City, Nevada, by and through the undersigned counsel, and hereby request
that the Court review and approve the compromise of the claim of JSB pursuant to Nevada
Revised Statutes ("NRS") 41.200.

I. The facts that bring this matter within the purview of Court

This matter comes before the Court as a result of a May 20, 2014 incident involving the
arrest of JSB by the Defendant. JSB brought this case before the Court pursuant to 42 U.S.C.
Section 1983 and made two claims against the Defendant: (1) That JSB's Fourth and Fourteenth

1 Amendment rights were violated by the Defendant's use of excessive force in arresting JSB; and
2 (2) That the Defendant assaulted and battered JSB.

3 **II. The names and residence of the parents or the legal guardian of JSB**

4 JSB's parents and legal guardians are MARINA DIAZ and JOSE DIAZ, who reside with
5 JSB at 1315 Willard Ln. in Carson City, Nevada.
6

7 **III. The Proposed Compromise**

8 On June 5, 2017, JSB tendered an Offer of Judgment to the Defendants to settle this matter
9 for \$49,999.99. On June 22, 2017, the Defendants filed a notice of acceptance of this offer of
10 judgment (Doc. 54)

11 The Plaintiff's propose that the settlement funds be distributed as follows:

12 (1) Payment of a 40% contingency fee of \$19,999.99 to Luke Andrew Busby, Ltd. in
13 accordance with the attorney client agreement between the Plaintiffs and the
14 undersigned counsel.
15

16 (2) Payment of \$30,000.00 into a blocked account at Nevada State Bank, 1 West Liberty,
17 Reno, NV 89501, which JSB will be able to access on, but not before, his 18th birthday.
18

19 **IV. Compromise is in the Best Interests of JSB**

20 JOSE and MARINA DIAZ believe that the terms of this settlement are in the best interests
21 of JSB. JOSE and MARINA DIAZ have been advised, understand, and acknowledge that
22 acceptance of the compromise will bar JSB from seeking further relief from the Defendant in the
23 future.
24

25 **V. Relevant Medical Records**

26 JSB never received medical treatment related to his injuries, and as such, there are no
27 medical records or medical bills related to this incident.
28

1 WHEREFORE, the Petitioner respectfully requests that the Court grant the relief requested
2 herein and issue an Order approving the resolution of this matter as described herein.

3
4 RESPECTFULLY submitted this Saturday, July 1⁵, 2017.

5
6 By: 

7 Luke Busby, Esq.
8 216 East Liberty Street
9 Reno, Nevada 89501
10 (775) 453-0112 (Dial Area Code)
11 (775) 403-2192 (Fax)
12 www.lukeandrewbusbyltd.com
13 luke@lukeandrewbusbyltd.com

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
VERIFICATION

14 I hereby acknowledge that I have read the foregoing Petition to Compromise Claim of a
15 Minor, and the facts described therein are true and correct to the best of my knowledge and belief.
16 I have been advised that by accepting this settlement, that JSB will be barred from bringing any
17 future cause of action against the Defendants. I believe that acceptance of the Settlement
18 Agreement is in the best interests of JSB.
19

20
21 By: 

22 JOSE DIAZ

Dated: 7-13-17

23 By: 

24 MARINA DIAZ

Dated: 7-13-17

ORDER

The Petitioner seeks to compromise the claim of JSB, a minor, resulting from an incident on May 20, 2014, where JSB suffered injuries. This matter comes before the Court pursuant to Nevada Revised Statutes ("NRS") 41.200.

The Court has reviewed the Petition and the proposed compromise. The Court finds that the proposed compromise in the Petition is in the best interests of JSB.

Within 30 days of the date of this Order, pursuant to NRS 41.200(5), counsel for the Petitioner shall file proof with the Court that the blocked account proposed in the compromise has been established.

IT IS SO ORDERED

DATED this 17th day of July, 2017.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE